

PATENT DOCKET: ORN 3.0-002 REISSUE

APPLICANT OR PATENTEE: MARVIN A. ORNSTEIN

SERIAL NO. OR PATENT NO.: _____

FILED OR ISSUED: _____

FOR: GAMING SYSTEM AND METHOD FOR MULTIPLE PLAY WAGERING

**VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS 37 CFR 1.9(f) AND 1.27(c)
SMALL BUSINESS CONCERN**

I hereby declare that with regard to the small business concern identified below I am:

- ☒ (X) the owner of the small business concern
- ☐ () an official of the small business concern
empowered to act on behalf of same.

NAME OF CONCERN: MAO INC.

ADDRESS OF CONCERN: 605 Porter Street

Ocean Springs, MS 39564

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under 35 USC 41(a) and (b) in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this Statement (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **GAMING SYSTEM AND METHOD FOR MULTIPLE PLAY WAGERING** by inventor **MARVIN A. ORNSTEIN** described in

- ☐ () the specification filed herewith
- ☐ () application serial no. _____,
filed _____
- ☒ (X) patent no. 5,718,431, issued February 17, 1998

00506458-021700

Page 2

DOCKET: ORN 3.0-002

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having the rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME :

ADDRESS:

() INDIVIDUAL () SMALL BUSINESS CONCERN
() NONPROFIT ORGANIZATION

I acknowledge the duty to file in this patent application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate.
(37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING MARVIN A. ORNSTEIN

TITLE OF PERSON SIGNING President

ADDRESS OF PERSON SIGNING 605 Porter Street
Ocean Springs, MS 39564

SIGNATURE

DATE _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

MARVIN ORNSTEIN

Serial No. 08/804,299

Filed: February 21, 1997

Reissue of U.S. Patent No. 5,718,431

Issued: February 17, 1998

For: GAMING SYSTEM AND METHOD FOR MULTIPLE PLAY WAGERING

Assistant Comm. For Patents
Washington, D.C. 20231REISSUE DECLARATION, POWER OF ATTORNEY AND PETITION

Sir:

1. I, MARVIN ORNSTEIN, a U.S. citizen have read the foregoing specification and claims, and I verily believe that I am the original, first inventor of the invention entitled GAMING SYSTEM AND METHOD FOR MULTIPLE PLAY WAGERING and which is described and claimed in U.S. Patent No. 5,718,431 issued February 17, 1998, and that I do not know and do not believe that this invention was ever known or used in the United States before my invention or discovery thereof.

2. I verily believe that I am the original, first inventor of the invention entitled GAMING SYSTEM AND METHOD FOR MULTIPLE PLAY WAGERING and which is described and claimed in Reissue Application Serial No. 08/718,431 being filed together with my Declaration and that I do not know and do not believe that this invention was ever known or used in the United States before my invention or discovery thereof.

00506458-02100

3. I hereby state that I have reviewed and understand the contents of the above-identified issued patent, including the specification and claims, as amended, as shown in the preliminary amendment accompanying this Reissue Declaration.

4. I acknowledge a duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

5. I further pray that I may be allowed to surrender the aforesaid United States Patent No. 5,718,431, issued February 17, 1998, and that such Letters Patent may be reissued to me for the same invention upon the foregoing amended claims. With this Petition is filed an Order for an Abstract of Title, duly certified, as is required in such cases.

6. I declare that the above-identified patent is inoperative or invalid by reason of claiming less than I had a right to claim in the patent. More specifically, certain of the claims of the issued patent are unnecessarily limited due to the recitation that the player is required to make a conventional bet, as well as a side bet, whereas the thrust of the invention is the ability to make a bet in which a player selecting the number of consecutive games the player expects to win regardless of whether a conventional bet is made. I am also the inventor of U.S. Patent No. 5,570,885, issued November 5, 1996 entitled ELECTRONIC GAMING SYSTEM AND METHOD, etc. which describes in the specification and recites claims directed only to a game in which a player makes a consecutive win bet absent a conventional bet. In the specification of my U.S. Patent No. 5,718,431, I state that my objective is to provide a non-electrical, non-electromechanical technique for the game disclosed in U.S. Patent No. 5,570,885.

00506458-021700

00506458-021700

7. That on or about January 3, 2000 and after issuance of U. S. Patent No. 5,718,431, I was preparing my game for use in casinos in the United States. In considering the use of various alternatives of my game, I reviewed the '431 patent and discovered that the claims were unnecessarily limited by including limitations regarding the making of a conventional bet which are not required to achieve the principal objectives of the invention. I brought my analysis of the objectives of the invention to the attention of patent counsel, who confirmed that the claims were so limited and advised that a reissue patent could be requested to correct the unnecessarily limited claims. Until such time, I was unaware that the claims were so limited. Patent counsel advised that the claims could be amended by way of a reissue proceeding and I authorized the filing of a reissue application.

New claims 27 and 28 set forth in the Preliminary Amendment accompanying this Declaration, cure the limited nature of the original claims.

8. The errors set forth hereinabove occurred without any deliberate or deceptive intent on my part.

9. I have read the Declaration of Louis Weinstein accompanying this Declaration, and hereby ratify its contents.

10. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

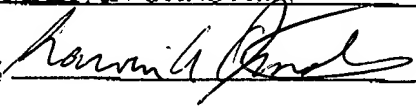
11. I hereby appoint the following attorney to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

LOUIS WEINSTEIN
Registration No. 20,477
Weinstein & Kimmelman
The Bellevue, 6th Floor
200 S. Broad Street
Philadelphia, PA 19102

Address all communications regarding this Reissue Application to Louis Weinstein at the above address.

Address all telephone calls to Louis Weinstein at Telephone No. 215-985-1133.

INVENTOR'S FULL NAME: MARVIN ORNSTEIN

SIGNATURE OF INVENTOR: 

DATE: _____

RESIDENCE: 605 Porter Street, Ocean Springs, MS 39564

CITIZENSHIP: UNITED STATES

POST OFFICE ADDRESS: SAME AS ABOVE

00506458-021700

PATENT DOCKET: ORN 3.0-002 REISSUE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of
MARVIN A. ORNSTEIN
Serial No. 08/804,299
Filed: February 21, 1997
Reissue of U.S. Patent No. 5,718,431
For: GAMING SYSTEM AND METHOD FOR MULTIPLE PLAY WAGERING

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: Group Art Unit: 3304
:
: Examiner: B. Layno
:
:
:

Assistant Comm. For Patents
Washington, D.C. 20231

OFFER TO SURRENDER

The undersigned applicant of the accompanying Reissue Application of Letters Patent for of which is now sole owner by assignment and on whose behalf and with whose assent the accompanying application is made, hereby offers to surrender said Letters Patent.

Filed herewith is an order for a Title Report as required in such applications.

17 February 2000
Dated

Sam Wenter

ASSENT OF ASSIGNEE TO REISSUE

The undersigned Assignee of the entire interest in the above-mentioned Letters Patent hereby assents to the accompanying application.

MAO INC.

By Marvin A. Ornstein
Title: President
Dated: _____

PATENT DOCKET: ORN 3.0-002 REISSUE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of :
MARVIN A. ORNSTEIN : Group Art Unit: 3304
Serial No. 08/804,299 : Examiner: B. Layno
Filed: February 21, 1997 :
Reissue of U.S. Patent No. 5,718,431
For: GAMING SYSTEM AND METHOD FOR MULTIPLE PLAY WAGERING

Assistant Comm. For Patents
Washington, D.C. 20231

ORDER FOR ABSTRACT OF TITLE


Sir:

Please have a duly certified Abstract of Title of
United States Patent No. 5,718,431, issued of inventor prepared
and placed in the official file of the above-identified
Application for Reissue of said patent.

Our check in the amount of \$25.00 is enclosed covering
the title fee.

Respectfully submitted,

WEINSTEIN & KIMMELMAN

Date 17 February 2000 By 
Louis Weinstein
Registration No. 20,477
The Bellevue, 6th Floor
Broad Street At Walnut
Philadelphia, PA 19102
Phone: 215-985-1133

ATTORNEY DOCKET: ORN 3.0-002 REISSUE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

MARVIN ORNSTEIN

Serial No. **08/804,299**

Filed: **February 21, 1997**

Reissue of U.S. Patent No. **5,718,431**

Issued: **February 17, 1998**

For: **GAMING SYSTEM AND METHOD FOR MULTIPLE PLAY WAGERING**

Assistant Comm. For Patents
Washington, D.C. 20231

DECLARATION OF LOUIS WEINSTEIN

Sir:

LOUIS WEINSTEIN, declares that:

1. He is a patent lawyer practicing at the Bellevue, 6th Floor, Broad and Walnut Streets, Philadelphia, Pennsylvania 19102 and that he is registered to practice before the U.S. Patent and Trademark Office, Registration No. 20,477, and submits this Declaration together with the Declaration of Marvin A. Ornstein.

2. He prepared U.S. Patent Application Serial No. 804,299, filed February 21, 1997, which issued as U.S. Patent No. 5,718,431 on February 17, 1998.

3. U.S. Application Serial No. 804,299 was allowed on the first Official

Action on the merits of the application, the reason for allowance being because the prior art does not provide the claimed steps of a player making a bet selecting a predetermined number of consecutive wins by placing the bet in one of a predetermined group of consecutive win bet receiving regions, "placing the streak be chip upon the chip receiving region identifying two consecutive wins to be attempted wen the player has won the first game" and "transferring the streak chip to successively higher numbered consecutive wins bet receiving regions until the streak chip is placed upon the consecutive win bet receiving area in which the consecutive win bet was originally placed".

4. Upon payment of the Issue Fee, Application Serial No. 80⁴2,299 issued as U.S. Patent No. 5,718,431 on February 17, 1998.

5. The reasons for allowance were reported to the inventor.

6. Responsive to client's telephone inquiry as to the scope of the claims of U.S. Patent No. 5,718,431, Declarant studied the patent and advised Applicant that he believed his invention should be of a scope substantially set forth in the new claims 27 and 28 filed in the above-identified Reissue application.

7. Declarant advised Applicant that the claims of the issued patent are more limited than Applicant believed them to be.

8. Declarant prepared new claims 27 and 28 for the consideration of Applicant. These claims were submitted as part of the aforesaid Reissue application.

9. The scope of claims 27 and 28 is different from the scope of the claims 1-26 of the issued Patent No. 5,718,431. Claim 26 is set forth hereinbelow, each compared with at least one claim of the issued patent, the bracketed portion showing those parts of the claim of the original patent that have been eliminated from the new reissue claims, the underlined portions showing what is not found in the original claim and has been added to the Reissue claim, the parts that are neither underlined or bracketed being the same in both the original claim and the Reissue claim.

U.S. Patent No. 5,718,431 contains independent claims 1 and 10. Claim 1 sets forth a method for playing a game of black jack which includes making a conventional bet and a consecutive wins bet.

Claim 10 sets forth a method by playing a game of chance which includes making a conventional bet and a consecutive wins bet.

Claim 27 compared with Claim 1:

27. A method of playing blackjack, comprising the steps of:

(a) providing a conventional game receiving region and a plurality of consecutive win chip receiving regions for the player, each such region identifying a number of consecutive wins starting with the number two and up to a maximum number of chip receiving regions permitted by rules of the game;

[(b) the player making a conventional bet of a denomination within the denomination range permitted by rules of the game;]

[(c)] b the player making a bet selecting a predetermined number of consecutive wins by placing the bet in one of a predetermined group of consecutive win bet receiving regions for use by the player, each bet receiving region representing a different number of consecutive wins, the bet being of a denomination permitted by rules of the game;

[(d)] c dealing the player and dealer a predetermined number of cards;

[(e)] d dealing the player and the dealer additional cards, when necessary until the game is complete;

[(f)] e deciding the winner of the game in accordance with conventional blackjack rules;

[(g)] f providing a streak chip for use in monitoring a number of consecutive wins made by the player[.] ;

[(h)] g placing the streak chip upon the chip receiving region identifying two consecutive wins to be attempted when the player has won the first game;

[(i)] repeating step (b) preparatory to the play of the second game;]

[(j)] h repeating steps (d) through (f) during the play of each succeeding game;

[(k)] i transferring the streak chip to successively higher numbered consecutive wins bet receiving regions until the streak chip is placed upon the consecutive win bet receiving area in which the consecutive win bet was originally placed; and

[(l)] j paying a player an amount equal to the denomination of the consecutive wins bet made by the player at step [(c)] (b) multiplied by the odds for the consecutive wins selected when the player wins a game following step [(k)] (i).

28. A method of playing a game of chance, comprising the steps of:

(a) providing a conventional game receiving region and a plurality of consecutive win chip receiving regions for the player, each such region identifying a number of consecutive wins starting with the number two and up to a maximum number of chip receiving regions permitted by rules of the game;

[(b)] the player making a conventional bet of a denomination within the

denomination range permitted by rules of the game;]

[(c)] ~~(b)~~ the player making a bet selecting a predetermined number of consecutive wins by placing the bet in one of a predetermined group of consecutive win bet receiving regions for use by the player, each bet receiving region representing a different number of consecutive wins, the bet being of a denomination permitted by rules of the game;

[(d)] ~~(c)~~ playing the game of chance;

[(e)] ~~(d)~~ deciding the winner of the game in accordance with conventional rules of the game;

[(f)] ~~(e)~~ providing a streak chip for use in monitoring a number of consecutive wins made by the player.

[(g)] ~~(f)~~ placing the streak chip upon the chip receiving region identifying two consecutive wins to be attempted when the player has won the first game;

[(h)] repeating step (b) preparatory to the play of the second game;]

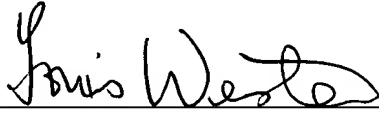
[(i)] ~~(g)~~ repeating steps [(d)] ~~(c)~~ and [(e)] ~~(d)~~ during the play of each succeeding game;

[(j)] ~~(h)~~ transferring the streak chip to successively higher numbered consecutive wins bet receiving regions until the streak chip is placed upon the consecutive win bet receiving area in which the consecutive win bet was originally placed; and

[(k)] i paying a player an amount equal to the denomination of the consecutive wins bet made by the player at step [(c)] ~~(b)~~ multiplied by the odds for the consecutive wins selected when the player wins a game following step [(j)] ~~(i)~~.

I, Declarant, hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made

are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, of any patent to which this verified statement is directed.

A handwritten signature in black ink, appearing to read "Louis Weinstein", written over a horizontal line.

Louis Weinstein
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Philadelphia, PA 19102
(215) 985-1133